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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/850,007	05/08/2001	Satomi Shigaki	Q64408	9373
7590 01/25/2006 SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 Pennsylvania Avenue, NW Washington, DC 20037-3213			EXAMINER TRAN, THAI Q	
			ART UNIT 2616	PAPER NUMBER
DATE MAILED: 01/25/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/850,007

Applicant(s)

SHIGAKI, SATOMI

Examiner

Thai Tran

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16, 18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 12-16, 18 and 19 is/are allowed.
- 6) ☒ Claim(s) 9-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed Nov. 2, 2005 have been fully considered but they are not persuasive.

In re pages 10-11, applicant argues, with respect to claims 9-11, that it is improper for the Examiner to assert that the TV tuner is part of the manage unit because the Examiner asserts that the TV tuner is the claimed receive unit, that the claimed "program information" is not the same as the actual program, and that the encoders (items 1553, 1554, and 1555) do not analyze program information.

In response, the examiner respectfully disagrees. It is noted that the claimed receive unit can be the input (wire) or the input interface of the TV tuner of Ando and part of the TV tuner without the input or input interface is part of the claimed manage unit. Therefore, it is not improper to cited TV tuner as the claimed receive unit and the TV tuner as part of the manage unit.

It is recognized that the "program information" is not the program.

Ando et al teaches in Fig. 19, col. 23, lines 28-41 that

"The apparatus main body of the video recorder shown in FIG. 19 is roughly comprised of disc changer (disc drive unit) 1500 for rotating one to be used of one or a plurality of information storage media (optical disc) 1001, and executing recording and playback of video information with respect to optical disc 1001, encoder unit 1550 that constructs the video recording side, decoder unit 1560 that constructs the playback side, and system controller (MPU) 1530 which incorporates a ROM and RAM (semiconductor memory), and controls the operation of the apparatus main body.

Encoder unit 1550 comprises ADC (analog-to-digital converter) 1552, video encoder (V encoder) 1553, audio encoder (A encoder 1554), sub-picture encoder (SP encoder) 1555, formatter 1556, and buffer memory 1557"

and in col. 24, lines 35-42 that

“In case of digital broadcast, a video signal is transmitted in the TS (transport stream) format of MPEG2. in general, when a video signal is recorded on information storage medium (optical disc) 1001 in the MPEG2 format, the PS (program stream) format is used. Hence, upon receiving digital broadcast, the received signal is directly sent from TV tuner 1554 to formatter 1556, which executes “TS->PS conversion””.

It is noted that the TS (transport stream) format of MPEG2 has headers (the claimed program information). In order to properly process and route the TS format of MPEG2, the system of Ando et al would analyze the headers of the TS format of MPEG2. Thus, Ando et al does indeed analyze the claimed “program information” (headers of TS format of MPEG2).

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Ando et al (US 6,901,208 B2) as set forth in the last Office Action.

Regarding claim 9, Ando et al discloses a recording/reproducing device (Fig. 19) of broadcasting signals comprising:

a receive unit (TV tuner 1544 of Fig. 19, col. 23, lines 42-49) which receives broadcasting signals of a program on a channel;

a manage unit (TV tuner 1544, video encoder 1553, audio encoder 1554, and sub-picture encoder 1555 of Fig. 19, col. 23, lines 28-48) which picks up program information from the received signals of program and analyses the program information;

a storage device (disc changer 1500 of Fig. 19, col. 23, lines 27-37) which stores recording files (the recording files is anticipated by the 2048 bytes packs disclosed in col. 25, lines 12-21);

a decoder unit (decoder unit 1560 disclosed in col. 26, lines 41-61) which decodes the received signals of program to obtain image data and sound data; and

a data control unit (and system controller 1530 of Fig. 19, col. 23, lines 27-37, col. 26, lines 10-40, and col. 27, lines 25-44) which supplies the received signals of program to the decoder unit under control of the manage unit, and supplies the received signal of program to the recording/reproducing manage unit to record the signals into the recording files each of which has a predetermined size in order until a recording stop instruction is received or broadcasting of the program is ended, and reproduces and supplies the recording files thus produced in the recording/reproducing manage unit to the decoder unit in response to a reproduction instruction.

Regarding claim 10, Ando et al discloses the claimed wherein the reproduction instruction is issued after at least one recording file is filled with a part of the signals (col. 27, lines 56-65).

Regarding claim 11, Ando et al discloses the claimed wherein the data control unit controls to delete a recording file which has reproduced (erasing capability disclosed in col. 15, lines 61-67).

***Allowable Subject Matter***

4. Claims 1-8, 12-16, and 18-19 are allowed.
5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

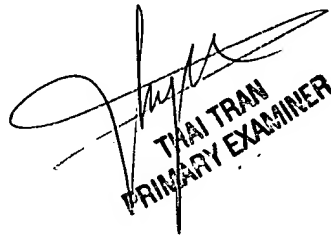
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (571) 272-7382. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ



THAI TRAN  
PRIMARY EXAMINER